

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

NASSER TOTARI, ET AL.

Plaintiffs,

Civ. Action No. 5:05-CV-0014
(NAM/GHL)

vs.

HOME DEPOT, INC., ET AL.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFFS:

Office of Michael P. Marmor
7000 East Genesee Street
Building B, Lyndon Office Park
Fayetteville, NY 13066

MICHAEL P. MARMOR, ESQ.

FOR DEFENDANTS:

Hodgson, Russ Law Firm
One M&T Plaza
Suite 2000
Buffalo, NY 14203

JILL L. YONKERS, ESQ.
KYLE C. REEB, ESQ.

NORMAN A. MORDUE, U.S. DISTRICT JUDGE

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

Pursuant to the notice of settlement filed on February 7, 2006, by attorney Reeb, that the parties have entered into an agreement in settlement of all claims in

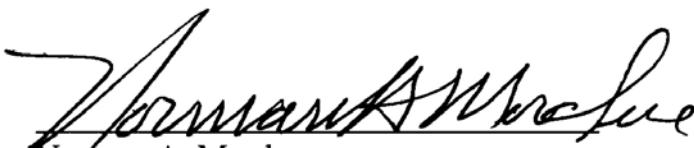
this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within (60) sixty days from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by first class mail.

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Dated: February 14, 2006
Syracuse, New York


Norman A. Mordue
U.S. District Judge